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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS EFRAIN PEREZ

Defendant.

CASE NO. 1:21-CR-00179-JLT-SKO

STIPULATION TO CONTINUE

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference regarding the mental competency of the defendant on December 16, 2022.
2. On December 6, 2022, the parties and the Court received an update from the Bureau of Prisons indicating that the report on Mr. Perez's evaluation would not be completed until the end of December 2022.
3. Based on the above, the parties seek to continue the status conference regarding the mental competency of the defendant until January 23, 2023, at 10:00 a.m.
4. The parties agree and stipulate, and request that the Court find the following:
 - a) The ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

- b) Having found by a preponderance of the evidence that the defendant is presently incompetent to stand trial, the Court ordered the defendant committed to the custody of the Attorney General for a period of four months for treatment in a suitable facility, pursuant to 18 U.S.C. § 4241(d).
- c) The defendant's mental health status has not been resolved and the parties cannot proceed to trial on the case until defendant's mental health status is resolved.
- d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of December 16, 2022 to January 17, 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(4), for "delay resulting from the fact that the defendant is mentally incompetent . . . to stand trial" and because good cause exists for the continuance of a status conference, and time should be further excluded as the ends of justice outweigh the interest of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A).

5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: December 12, 2022

PHILLIP A. TALBERT
United States Attorney

By: /s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: December 12, 2022

/s/ DOUGLAS BEEVERS
Attorney for Defendant
CARLOS EFRAIN PEREZ

ORDER

IT IS SO FOUND.

IT IS SO ORDERED.

Dated: **December 15, 2022**


UNITED STATES DISTRICT JUDGE